

S/N 09/988983

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Woolford	Examiner:	W. Neuder
Serial No.:	09/988983	Group Art Unit:	3672
Filed:	November 19, 2001	Docket No.:	03616.0111USC3
Title:	COMPOSITE MASONRY BLOCK		

CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office (fax no. 703-872-9326) on April 2, 2003.

By: Jerry Lee Polk
Name: Jerry Lee Polk

AMENDMENT AND RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Office Action mailed December 3, 2002, Applicant provides the following. The drawings are amended. The claims have not been amended.

In the Drawings

Applicant proposes amending Figure 3 of the drawings as indicated on the Proposed Drawing Correction enclosed herewith.

Remarks

Reconsideration is requested. Claims 64-94 remain pending.

The proposed drawing correction has been disapproved because the changes were not shown in red ink. Applicant hereby resubmits the proposed drawing correction with all proposed changes clearly marked by being circled. Applicant respectfully traverses the requirement that the changes be shown in red ink. The proposed correction is being submitted by facsimile, and therefore the proposed changes cannot be indicated in red ink. The proposed changes are clearly indicated and approval is requested. A new set of formal drawings including the proposed changes will be submitted at a later date.

Claims 64-94 have been rejected over US 5,795,105 for obviousness-type double patenting. This rejection has been avoided by the filing of the Terminal Disclaimer in the present case which causes the present claims to expire simultaneously with the claims of US 5,795,105. Applicant disagrees with the Examiner's conclusions of obviousness, but is nonetheless filing this terminal disclaimer in order to expedite allowance of this application.

The following information is brought to the attention of the Examiner in order to comply, to the fullest extent possible, with Applicant's duty of candor under 37 CFR 1.56.

Litigation is currently pending between the Assignee, Anchor Wall Systems, Inc. (hereinafter "Anchor"), and Rockwood Retaining Walls, Inc. (hereinafter "Rockwood") involving Anchor's U.S. Patents 5,490,363; 5,704,183; 5,709,062; and 5,711,129, each of which has been cited to and considered by the Examiner in the present application.

In the litigation, Rockwood has alleged that U.S. Patents 5,490,363, 5,704,183, and 5,711,129 are invalid based upon an alleged conception of a version of Rockwood's "Classic" block at least as early as January 1992. In addition, Rockwood has alleged that U.S. Patents 5,490,363, 5,704,183, and 5,711,129 are invalid based on an alleged conception and reduction to practice of a "Classic" style block, with the conception occurring prior to the earliest effective filing date of U.S. Patent 5,490,363.

However, all documents and other evidence produced by Rockwood to support their allegations are subject to a court-mandated protective order that prevents Anchor from disclosing the documents and evidence relied upon by Rockwood to the U.S. Patent and Trademark Office.

Anchor has denied, and continues to deny, Rockwood's allegations concerning prior conception. It is Applicant's belief that the documents and other evidence relied upon by

Rockwood concerning prior conception do not present a prima facie case of unpatentability of the presently pending claims.

This information is being disclosed by Applicant to the fullest extent permitted under the protective order, and to comply, to the fullest extent possible, with Applicant's duty of candor under 37 CFR 1.56, so that the Examiner and any interested member of the public are made aware of this information and so the Examiner can consider this information, to the fullest extent possible, while determining the patentability of the present claims.

In Conclusion

With this response Applicant believes that the claims now pending in this patent application are in immediate condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicant's representative at the number listed below.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402
(612) 322-5300

Date: April 2, 2003



James A. Larson
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Reg. No. 40,443

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TO: Commissioner for Patents
Attn: Examiner William P. Neuder
Patent Examining Corps
Facsimile Center
Washington, D.C. 20231

FROM: James A. Larson

OUR REF: 3616.111USC3

TELEPHONE: 612-336-4708

Total pages, including cover letter: 13

PTO FAX NUMBER 1-703-872-9326

If you do NOT receive all of the pages, please telephone us at 612.332.5300, or fax us at 612.332.9081.

Title of Document Transmitted:

Amendment and Response, Petition For
Extension of Time, Terminal Disclaimer
To Obviate An Obviousness-Type Double
Patenting Rejection, Proposed Drawing
Correction and Figure 3 showing changes

Applicant: WOOLFORD
Serial No.: 09/988,983
Filed: NOVEMBER 19, 2001
Group Art Unit: 3672
Our Ref. No.: 3616.111USC3

Please charge Deposit Account No. 13-2725 in the amount of \$110.00 for One Month Extension of Time and \$110.00 for Terminal Disclaimer.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: James A. Larson
Name: James A. Larson
Reg. No.: 40,443

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Terry Lee Polk

Terry Lee Polk
Signature

April 2, 2003
Date

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PATENT

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Terry Lee Polk
Terry Lee Polk

PROPOSED DRAWING CORRECTION

Attn: Official Draftsman
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

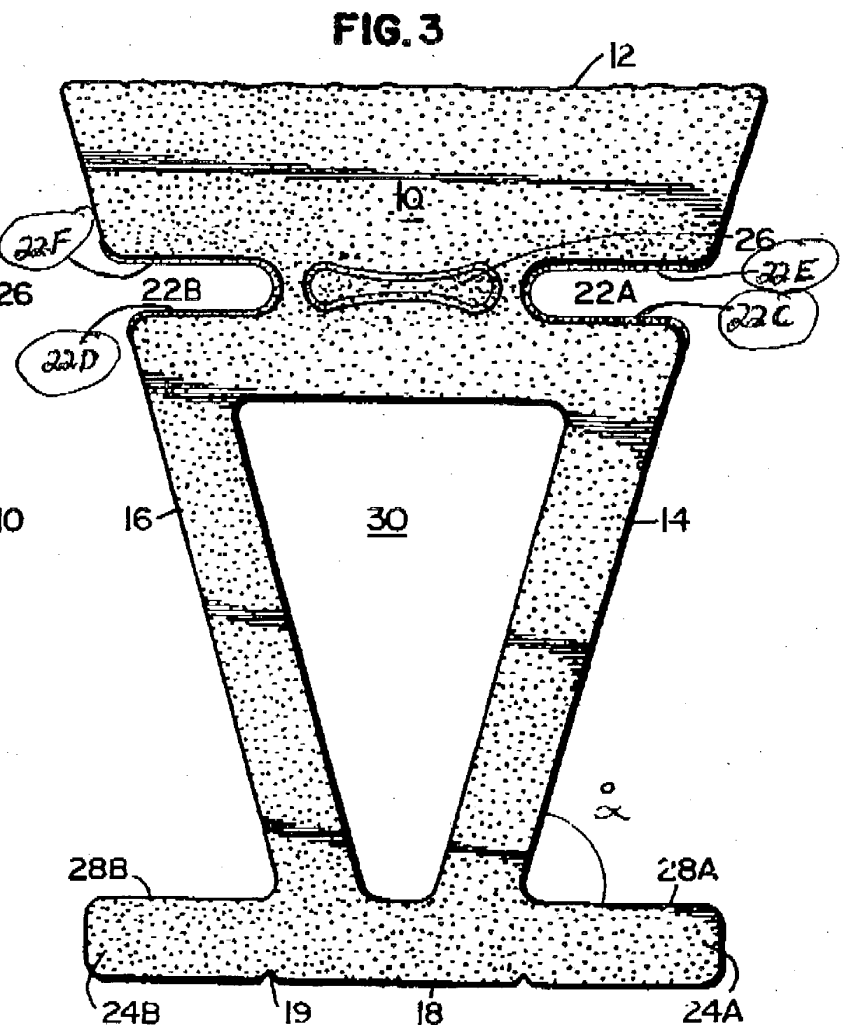
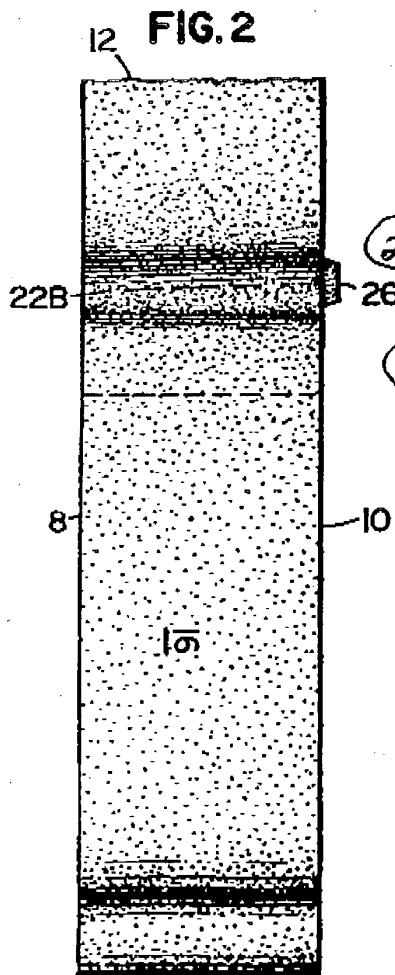
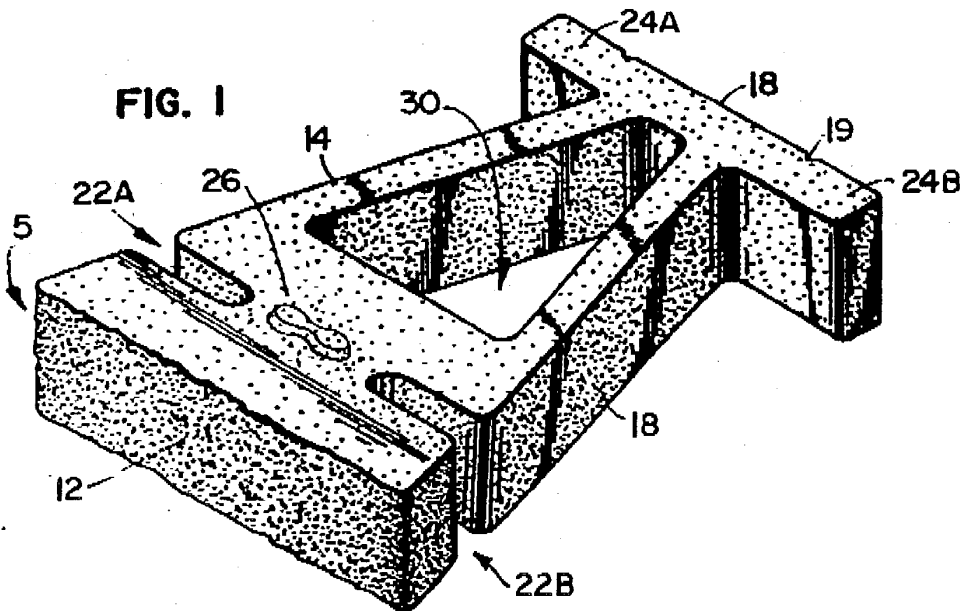
Applicant proposes to amend the drawings by amending Figure 3 as indicated on the attached copy. Formal drawings incorporating the proposed changes will be submitted in due course.

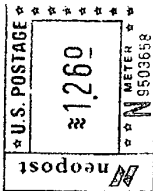
Respectfully submitted,

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Date: April 2, 2003

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